



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj  
Docket No: 1513-00  
2 May 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your deceased spouse's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your spouse's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 17 April 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

**DEPARTMENT OF THE NAVY**

NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

17 Apr 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: COMMENTS AND RECOMMENDATION ICG CAPT [REDACTED]

Ref: (a) DoD Financial Management Regulation (Vol 7B)

1. Recommend BCNR not correct Captain [REDACTED]'s record to reflect that he elected spouse vice child(ren) coverage under the Survivor Benefit Plan (SBP) prior to transferring to the Retired List.

2. The recommendation is based on the following:

a. Captain [REDACTED] transferred to the Retired List on 1 September 1990. He enrolled in SBP child(ren) coverage category at that time. He died on 27 July 1995.

b. Per reference (a), the decision to participate or decline SBP is irrevocable. Additionally, a member who refuses coverage for an eligible spouse and elects coverage for child(ren) only, is prohibited from electing spouse coverage at a later date, except under the provisions of open season.

3. Captain [REDACTED] and Mrs. Helmsin completed the SBP election form together. Her signature on the form indicates her knowledge of the decision to elect child(ren) coverage, notwithstanding her claim that she received wrong information by the counselor.

*M. P. Wardlaw for*

M. P. WARDLAW  
Head, Navy Retired Activities  
Branch (PERS-622)